

PRODUCT: 10 cases, each containing 48 cartons, of vegetable shortening at Savannah, Ga.

LABEL, IN PART: "One Pound Net Domino Shortening."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of contents. (The product was short-weight.)

DISPOSITION: June 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MISCELLANEOUS FOOD PRODUCTS

12396. Misbranding of gelatin dessert powder. U. S. v. 35 Cases * * *. (F. D. C. No. 22660. Sample Nos. 52497-H, 52498-H.)

LABEL FILED: February 28, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 6, 1947, by the Midwest Food Distributing Co., from Chicago, Ill.

PRODUCT: 35 cases of gelatin dessert powder at Cincinnati, Ohio. Each case contained 48 1½- or 3-ounce packages of the product.

LABEL, IN PART: "Carmel Kosher Gel-Dessert."

NATURE OF CHARGE: Misbranding, (1½-ounce size) Section 403 (a), the label designation "Gel-Dessert" was misleading, since the label failed to reveal, with equal conspicuousness, that the purchaser must supply the sugar in order to make a finished dessert; Section 403 (d), (both sizes) the containers of the articles were so filled as to be misleading since the packages of 1½-ounce size could have held over twice the amount, and the packages of 3-ounce size could have held almost twice the amount, of gelatin dessert powder contained therein and both size packages appeared to hold more of the product than was contained in them; and, Section 403 (k), (both sizes) the article contained artificial coloring and failed to bear labeling stating that fact, since the statement "U. S. Certified Fruit Colors" was not a declaration of the presence of artificial color. The colors used were not derived from fruit but were coal-tar colors.

DISPOSITION: April 28, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12397. Adulteration of bubble gum. U. S. v. 25 Boxes * * *. (F. D. C. No. 23403. Sample No. 71557-H.)

LABEL FILED: August 8, 1947, Southern District of California.

ALLEGED SHIPMENT: On or about April 15 and May 5, 1947, by Andrew J. Paris Import Sales Co., from McAllen, Tex.

PRODUCT: 25 boxes, each containing 120 pieces, of bubble gum at Oceanside, Calif.

LABEL, IN PART: "Paris Bubble Gum * * * Made in Mexico."

NATURE OF CHARGE: Adulteration, Section 402 (c), the product contained D&C Red No. 19, a coal-tar color that had not been listed for use in food in accordance with the regulations, and was other than one from a batch that had been certified.

DISPOSITION: October 24, 1947. Default decree of condemnation and destruction.

12398. Adulteration and misbranding of coal-tar color. U. S. v. 2 Cans * * *. (F. D. C. No. 22922. Sample No. 64677-H.)

LABEL FILED: April 14, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about February 7, 1947, by the Bates Chemical Company, from Lansdowne, Pa.

PRODUCT: 2 25-pound cans of coal-tar color at New York, N. Y.

LABEL, IN PART: "FD&C Red #1 (Ponceau 3R) Lot No. C4673."

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.

Misbranding, Section 403 (a), the label statements "Lot No. C4673 * * * This Certified Dye * * * Certified Food Colors" were false and mislead-